

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Nevada)

LILLIE LUCILLE THOMPSON,

Plaintiff and Respondent,

v.

CLIFFORD JOHNSON,

Defendant and Appellant.

C086298

(Super. Ct. No. FL17-013366)

Clifford Johnson appeals in propia persona from a judgment after court trial that nullified his marriage to respondent Lillie Thompson, who is subject to a conservatorship. Johnson contends the trial court abused its discretion in granting the conservator's petition for annulment, first because of unspecified adverse evidentiary and time management rulings issued during the trial and second because of the trial court's failure to continue the trial at Johnson's request.

As we explain, under the circumstances presented here, we are required to affirm the judgment.

The trial court's orders are presumed to be correct and the appellant has the burden to prove otherwise by presenting legal authority and analysis on each point made, supported by appropriate citations to the material facts in the record. If the appellant does not meet this burden, the argument will be deemed forfeited. (*Ewald v. Nationstar Mortgage* (2017) 13 Cal.App.5th 947, 948 [“We have repeatedly held that the failure to provide legal authorities to support arguments forfeits contentions of error.”].)

These rules of appellate procedure apply to Johnson even though he is representing himself on appeal. (*Leslie v. Board of Medical Quality Assurance* (1991) 234 Cal.App.3d 117, 121; see also *Nelson v. Gaunt* (1981) 125 Cal.App.3d 623, 638-639; *Wantuch v. Davis* (1995) 32 Cal.App.4th 786, 795.)

Appellant has failed to comply with these rules and thus his claims on appeal are forfeited. Although he does cite authority defining abuse of discretion and Code of Civil Procedure section 473, subdivision (b) relief, he makes no attempt to provide analysis and supplies no citations to the record that support his version of events, much less support any claims of error. He provides no record of the trial other than a clerk's transcript. Without a reporter's transcript, we cannot review the trial court's rulings for abuse of discretion, but must presume them to be correct.

“A judgment or order of a lower court is presumed to be correct on appeal, and all intendments and presumptions are indulged in favor of its correctness.” (*In re Marriage of Arceneaux* (1990) 51 Cal.3d 1130, 1133.) “This presumption has special significance when . . . the appeal is based upon the clerk's transcript.” (*Ehrler v. Ehrler* (1981) 126 Cal.App.3d 147, 154.) In such a “judgment roll” appeal, we must conclusively presume evidence was presented that is sufficient to support the court's findings. (*Ibid.*) “ ‘[T]he question of the sufficiency of the evidence to support the findings is not open.’ ” (*Allen v. Toten* (1985) 172 Cal.App.3d 1079, 1082.) We do not presume the record contains all matters material to a determination of the points on appeal unless the asserted error “appears on the face of the record.” (Cal. Rules of Court, rule 8.163; *Nat'l*

Secretarial Serv. v. Froehlich (1989) 210 Cal.App.3d 510, 521.) “[I]f any matters could have been presented to the court below which would have authorized the order complained of, it will be presumed that such matters were presented.” (*Riley v. Dunbar* (1942) 55 Cal.App.2d 452, 455.) Even if appellant’s claims were not forfeited, on the face of this record, we could find no error.

DISPOSITION

The judgment is affirmed. Costs are awarded to respondent. (Cal. Rules of Court, rule 8.278(a)(1), (2).)

/s/
Duarte, J.

We concur:

/s/
Blease, Acting P. J.

/s/
Hull, J.